

# BORROWING RULES



## **\*ANNUAL DUES/FEEES WILL NOT BE CHARGED IN 2011**

**CIRCULATION** — Orange County Public Law Library (“The Library”) circulates from its collection certain books and materials for use within Orange County in accordance with the following rules adopted by the Board of Trustees. An individual’s signature on the required application form indicates his or her agreement to abide by these Borrowing Rules.

### **1) PERSONS WHO MAY BORROW MATERIALS:**

**a. Individual Registered Borrower:** Any member of the California State Bar who:

1. Resides in or practices in Orange County;
2. Files an application in person at the Library;
- 3 Deposits \$100.00 with the Library; and
4. Pays \$50 annual dues/fees.

#### **An Individual Registered Borrower may:**

5. Authorize in writing a messenger or messenger service to borrow Library materials. The Individual Registered Borrower is financially responsible for all Library materials borrowed by him/her and by any authorized messenger or messenger service.
6. Borrow up to 5 books or other Library materials.

**b. Judicial Borrower:** any active or retired judge, except for judges pro tem, and any commissioner, judicial arbitrator, or administrative law judge of any court in Orange County.

#### **A Judicial Borrower may:**

1. Authorize in writing on letterhead stationery any subordinates, messenger, or messenger service to borrow Library materials;
2. Direct a bailiff to borrow Library materials without written authorization;
3. Borrow a reasonable number of materials.

**c. Official Borrower:** Any U.S. or California official having an Orange County office; or any Orange County public office-holder, or any subordinate of these officials who does work of a legal nature in performance of his or her official duties.

1. A department head must authorize each subordinate in writing on letterhead stationery to borrow Library materials.
2. An official Borrower is financially responsible for all Library materials checked out to him or her or to any authorized persons.

**d. Resident Borrower:** any resident of Orange County who:

1. Shows proof of Orange County residency;
2. Files a proper application in person;
3. Deposits \$100.00 with the Library; and
4. Pays \$50.00 annual dues/fees.
5. If under age 18, parent/legal guardian must be present at time of application and sign acknowledgment of financial responsibility.

**A Resident Borrower may:**

6. Authorize in writing a messenger or messenger service to borrow Library materials. The Resident Borrower is financially responsible for all Library materials borrowed by him/her and by any authorized messenger or messenger service.
7. Borrow up to 5 books or other Library materials.

## **2 ) LIBRARY CARDS:**

The Library shall issue a non-transferable Library card to each borrower. Each borrower must present his or her Library card in order to borrow Library materials. The Library shall charge a reasonable replacement fee to the borrower for each lost or damaged Library card. The replacement fee is stated in the Fines and Replacement Charges Schedule.

## **3) LOAN PERIOD:**

Library books and materials circulate for 21 days unless designated as non-circulating.

## **Renewals**

1. No renewals are permitted.
2. Borrowers returning Library materials may not check out the same copy of a Library item until the next day.

## **Holds**

1. A borrower may reserve an item currently in circulation by requesting that a hold be placed on it.
2. The Library will make a reasonable effort to notify the patron when the item has been returned.
3. The Library will hold the item for 2 days from date of notification.
4. If unable to contact the patron, the Library reserves the right to place the item into general circulation.

#### **4 ) BOOKS AND MATERIALS LOANED:**

- a) All materials circulate except for Reference books, loose-leaf services, statutes, digests, and citators.
- b) Any materials which normally circulate may be withdrawn from circulation at the discretion of the Library Director. These materials include, but are not limited to, items which are not readily replaceable, or which are fragile or out of print.
- c) For the purpose of the limit on number of items borrowed, an audiotape set, or videotape set, is counted as 1 item; **but fines accrue separately on each piece of the set.** From February through November, a borrower may check out a maximum of 4 tape sets. During December and January each year, a borrower may have only 2 tape sets checked out.
- d) All materials loaned are for the personal use of each borrower. Violations may result in revocation of borrowing privileges.
- e) All loaned materials may be returned to the library book drop located in the parking lot on the west side of the library building.

#### **5) FINES AND CHARGES:**

- a) The amount of fines, categories of materials upon which fines are assessed, and replacement and processing charges are set forth in the Fines and Replacement Charges Schedule.
- b) If the overdue period exceeds 30 days, the book or material shall be deemed lost. A book or material substantially damaged or defaced shall be deemed lost, unless it may be suitably repaired. All borrowers shall be charged for the replacement costs of the book or material lost, any applicable repair costs, plus a processing charge, all set forth in the Fines and Replacement Charges Schedule.
- c) Payment of fines and charges does not transfer ownership of any Library materials to the borrower.
- d) Willful retention of Library materials 30 days after notice is given by the Library is a misdemeanor (Cal. Ed. Code 19911).
- e) Annual dues/fees are due January 1. Borrowers will be billed in advance for the new borrowing year. New Borrowers registering after July 1 will have their borrowing fees reduced by 50% for the current borrowing year.

#### **6 ) PAYMENT OF FINES AND CHARGES:**

- a) Fines and charges are assessed against the borrower financially responsible for payment. Fines and charges are not subtracted from a borrower's deposit unless the borrower's privileges have been terminated by the Library or canceled by the borrower.
- b) When fines equal or exceed \$15.00, the borrower shall be notified in writing that borrowing privileges are suspended.
- c) A suspended borrower may regain borrowing privileges by paying outstanding fines and charges.
- d) A collection agency may be employed to settle delinquent accounts.
- e) All borrowers will receive an annual statement of account showing any fines and charges due.

## **7 ) SUSPENSIONS AND TERMINATIONS:**

- a) Borrowing privileges cease when a borrower no longer qualifies under Rule 1 above.
- b) Any borrower who flagrantly or persistently violates these Rules shall have his or her borrowing privileges suspended or terminated by the Law Library Board of Trustees.
- c) If a borrower's privileges are suspended, the person shall not qualify as another borrower type until revocation of the suspension.
- d) A person having suspended borrowing privileges due to fines or replacement charges owed may request return of his or her deposit, less any fines or charges due, for a period of one year from the date of suspension. If not claimed within that time, the deposit shall become the property of the Orange County Public Law Library.

## **8) USE OF DEPOSITS:**

- a) All borrower's deposits are placed in the Law Library deposit fund account and may be used by the Library as a revolving expense fund. No interest shall accrue to the borrower on these deposits.
- b) Each deposit shall be returned to the borrower by check, less any fines and charges due, upon his or her written request at least 3 months from the date of the deposit.
- c) Borrowing privileges cease upon receipt of a written request for refund of deposit.
- d) Allow 30 days for the Library to process each refund request.

## **9 ) DISHONORED CHECKS:**

- a) Service charge for each dishonored check written for establishing a borrower's account, or payment of Library fines and charges, is \$25.00 for the first check and \$35.00 for each subsequent check passed on insufficient funds by the same payor.
- b) Failure to pay the amount of the check in cash within 30 days of a written demand subjects the check writer to treble damages [Cal. Civ. Code 1719].

**NOTE:** Wherever authorization in writing is required, it must be submitted on the letterhead of the person accepting financial responsibility for Library materials. The book drop is emptied Monday – Friday at 8:00 a.m. and on Saturday at 9:00 a.m. Books deposited in the book drop later are deemed not returned until the next business day. Positive identification is required. (Bar card is required for Registered Borrower identification; driver's license for Resident Borrowers.)

**AS AMENDED: 1/27/2010**